

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2006018

American West Quarter Horses

Meeting Date:

October 5, 2006 (Continued from September 7, 2006)

Agenda Item:

6

Supervisor District:

2

(* Changes to this report from the September 7, 2006 packet are indicated by an asterisk.)

Applicant:

Beus Gilbert

Owner:

Development Services of America

Request:

Special Use Permit (SUP) in the Rural-190 zoning district

Proposed Use:

* Riding and Boarding Facility with events

Site Location:

Southwest corner of Rio Verde Dr. and 150th St. (in the Scottsdale area)

Site Size:

Approx. 9.1 gross ac. of a 32 ac. site

County Island Status:

N/A

Summary of Conformance with Adopted Plans:**County Plan:**

The County Area Plan identifies this site for Rural (0-1 d.u./ac.) land uses. As a commercial use, the request is not considered in concert with the plan.

City/Town Plan:

Not applicable

Support/Opposition:

* Nineteen (19) letters of concern

Recommendation:

* **Continue** to November 2, 2006

1. This request is for Special Use Permit (SUP) for a horse boarding facility in the Rural-190 zoning district. The SUP will utilize approx. 9.1 gross ac. of larger 32 ac. site and is located on the southwest corner of Rio Verde Dr. and 150th St. in the Rio Verde area. The parent parcel has an existing agricultural exemption for horse breeding and cattle grazing. The proposed SUP encompasses existing improvements including a twenty (20) pen mare motel with lockers, two (2) twenty-six (26) stall barns, two (2) arenas, two (2) walker stations and a round pen; each of which have approved building permits. The applicant is requesting a thirty (30) year SUP.
2. * The site is accessed off 150th St. via a 24' (w) gated granite driveway. The driveway leads to parking area which allocates 27 (18' x 10') parking spaces, including two (2) ADA accessible spaces; 4 parallel parking spaces and 11 (35' x 12') spaces for horse trailers. The two (2) barns are 90.5' (l) x 103' (w) and are located adjacent to a 234' (l) x 53.5' (w) corral. The parent parcel extends between 148th St. and 150th to the south of Rio Verde Dr., and the SUP area covers the northeastern edge of the site. Lighting is located within the roping arena and the main arena. The main arena consists of four (4) 30' tall 1000 watt metal halide light posts and the roping arena has sixteen (16) 30' tall 1000 watt metal halide light posts.
3. * The facility has an on-site water truck which aids in combating dust rising from the equestrian uses. The maximum number of people on-site utilizing the facility on a daily basis is projected to be less than twenty (25) people; which excludes special events. Additionally, the applicant indicates that there are to be twenty four (24) organized events (clinics, riding lessons, roping events, etc.) on site within a calendar year, with a maximum of a hundred and five (105) people on-site. Also, majority of the events are to be held between the months of September through May. The proposed hours of operation are from Sunday through Thursday between 8:00 A.M. to 9:00 P.M. and on Friday and Saturday from 8:00 A.M. to 10:30 P.M.
4. The site is intended to board a maximum of 100 horses. The narrative reflects that waste disposal for the site will be managed through manure being picked up from the site three times a week and stalls are to be cleaned daily. The entire site has been developed, constructed, and has been operating as a breeding facility under the agricultural exemption. The owner's house and associated barns and stalls for the horse breeding are all located outside the SUP boundary.
5. The site is landscaped along all exterior fencing with Sweet Acacia, Ocotillo, Mesquite, Palo Verde, White Oleander, and Acacia trees. The site plan shows pipe fencing which is located along arterial roads.

Analysis of Conformance with Adopted Plans:

6. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan designates this site within the Rio Verde Area Plan.
7. **Rio Verde Area Plan (County Area Plan):** The plan shows Rural (0-1 d.u./ac.). The Rural category denotes areas where single family residential development is desirable, but urban services are limited. Uses permitted in this category include agriculture and single-family residential. Therefore, the request, as a commercial use is not in concert with the plan. However, as Special Use Permit, an approval would not change the underlying zoning of the subject site. As such and as an interim land use, planning can support the request if it is in general conformance with the standards laid out in the County Area Plan. The County Area Plan calls for certain elements, such as keeping the area equestrian oriented and limiting SUP's to Rio Verde Dr. only. The proposal would conform to these standards by encouraging equestrian uses and restricting granting of SUP to property which borders Rio Verde Dr.

Existing On-Site and Adjacent Zoning:

- | | | |
|----|----------|------------------------|
| 8. | On-site: | Rural-190 (LU20040023) |
| | North: | Rural-43 |
| | East: | Rural-190 (LU20010002) |
| | South: | Rural-190 |
| | West: | Rural-190 (LU20020079) |

Existing On-Site and Adjacent Land Use:

- | | | |
|----|----------|---|
| 9. | On-site: | Residential & Horse Breeding Facility (agricultural exemption) |
| | North: | Arterial (Rio Verde Dr.), then vacant desert |
| | East: | Collector (150 th St.), then Bella Vista Horse Ranch, LLC (agricultural exemption) |
| | South: | Single-family residential |
| | West: | Collector (148 th St.), then agricultural exemption and vacant desert |

Area Land Use Analysis:

10. The site is part of a larger area in an isolated portion of the County within the Rio Verde area. The area is sparsely developed at this time, however, residential development is occurring steadily due to the proliferation of lot-splits. Large-lot residential development is beginning to occur on 156th Street north of Rio Verde Dr. Public riding and boarding facilities as well as breeding facilities also appear to be a development trend for the area. There are a number of agricultural exemptions in

the vicinity of the site. The subject site is bordered by an agricultural exemption for a breeding facility to the east, called the Bella Vista Ranch LLC. To the west of 148th St. and south of Rio Verde Dr. is another agricultural exemption for horse breeding, owned by Joe and Lori Getzwiller. Additionally, there are several approved SUP's in the area, and two (2) riding and boarding facilities, one located approx. one and quarter miles to the northeast of the site and the other located two (2) miles north of the site.

11. While lot-splits comprise the majority of the development activity in the immediate area, there are two subdivisions in proximity to the site (Granite Mountain Ranch - 100 lots/320 acres at the NWC of Dixileta Drive and 144th Street; and Rio Mountain Estates – 104 lots/149 acres at the SWC of Dixileta Drive and 152nd Street). To the east of the section are additional lot splits in the Rural-43 zoning district and several miles to the east are the Vista Verde, Rio Verde, Tonto Verde and Vista Verde master-planned communities. North of Lone Mountain Road is the Tonto National Forest.
12. The area is heavily vegetated Sonoran Desert and experiences a great deal of runoff due to the presence of many large arroyos. The land gently slopes downward west to east from the McDowell Mountains to the Verde River.
13. The following air-photo shows the subject site in relation to the surrounding area.



Adjacent Road Status:

14. **Rio Verde Drive:** County maintained, 2-lane paved E/W section line arterial road with 100' of dedicated half-width right-of-way (ROW). No additional dedication or improvement is required as part of this project.
15. **150th Street:** Unmaintained dirt N/S midsection line road with no existing dedicated ROW. MCDOT is requiring that 30' half-width of ROW be dedicated and improved.

Utilities and Services:

16. **Water:** *Well - (Proposed Transient Public Water System)
17. **Wastewater:** On-site septic system
18. **Fire Protection:** Rural Metro Fire Department (RMFD)

19. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
20. **Electric:** Arizona Public Service (APS)
21. **Natural gas:** Southwest Gas
22. **Telephone:** Qwest Communications
23. **Refuse:** Waste Management
24. **Public schools:** Unorganized

Reviewing Agencies: (The request was reviewed at the TAC meeting of March 21, 2006)

25. **Department of Transportation (MCDOT):** No objection with the following stipulations (see the attached memo):
 - Provide a total half-width of 30' right-of-way on 150th Street.
 - Recommend 24' of pavement on 150th Street for two-way traffic.
 - Recommend asphalt milling or gravel material for driveway and parking area.
26. **Environmental Services Department (MCESD):** In a memo dated June 29, 2006, MCESD raised an objection to the request based on the requirement that the proposal would require a Public Water System (see the attached memo).
27. **Drainage Review:** No objection (see the attached memo).
28. **Comprehensive Planning:** No objection.
29. **Flood Control District (FCD):** The subject property is within the Flood Control's jurisdictional floodplain, however FCD has no objection to the proposed use with the following stipulation:
 - Should there be any further construction on the property, then a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
30. **Other:** The request was also referred to SHPO, City of Scottsdale, Rio Verde Foothills Alliance, Rio Verde Horsemen's Association, Sara Winters and Rural Metro Fire District. To date, no response has been received from these entities.

Background:

- 31.* **September 7, 2006:** The case was presented to the Commission with a staff recommendation for indefinite continuance. The Commission continued the case to October 5, 2006 to allow the applicant time to clarify the use on their site plan

and narrative report and obtain sign off from MCESD and Planning as well as to meet with the surrounding neighborhood and implement suggestions.

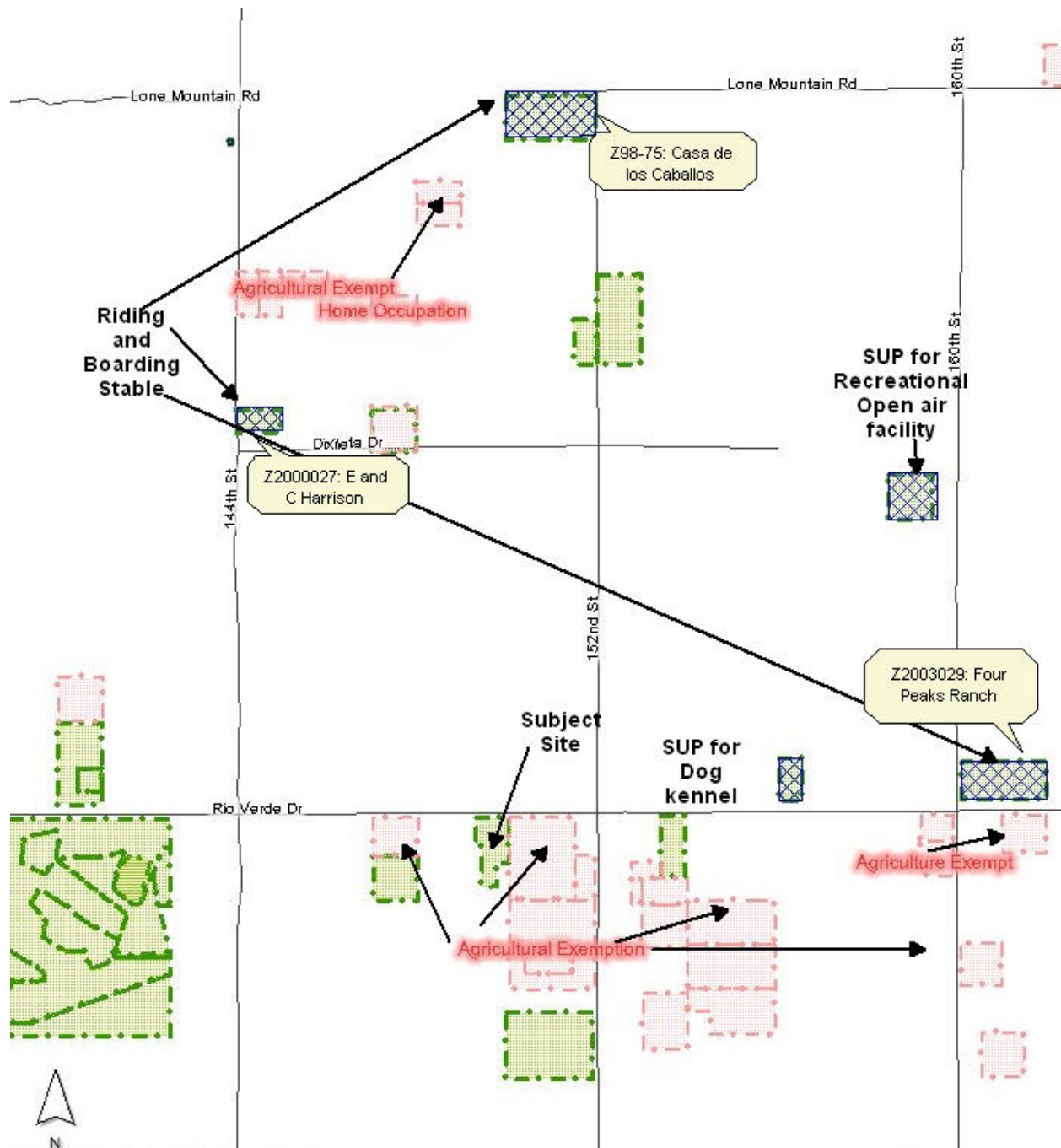
Citizen Participation Plan:

- 32.* The applicant has complied with some of the requirements of the Maricopa County Citizen Review Process. The applicant's Citizen Participation Plan included notifying property owners within 300' of the request and posting the property. Staff received one letter of concern, and the applicant was advised to hold a neighborhood meeting; which was held on July 13, 2006. The original Citizen Participation results report indicated that the applicant discussed the following concerns at the meeting which related to number of public events, number of attendees, hours of operation, noise, traffic, lights, dust control, pest control, and manure disposal. Resolution of the above mentioned issues were not made clear to the Planning division prior to the September 7 hearing. The applicant had advised staff that an additional neighborhood meeting would be held and staff would require an updated Citizen Participation Report which discusses the outcome. Staff received an additional sixteen (16) letters of concern from adjacent neighbors preceding the September 7, hearing. At the hearing, the applicant indicated that a second neighborhood meeting was to be held on September 11, 2006. The updated Citizen participation Results Report indicated that the applicant discussed concerns which related to noise, traffic, lights, dust control, pest control, and manure disposal; and the applicant directed the neighbors to the revised narrative which addresses these issues. Also, the applicant informed the attendees at the meeting, that there would be twenty-four (24) organized events with 105 people attending these events. Additionally, on a daily basis the number of people would be limited to twenty-five (25). The report indicates that the neighbors requested a copy of the revised narrative report and this was distributed via email. However, the neighbors requested a follow-up meeting in order to discuss a list of stipulations which would protect mutual interests of the property owner and adjacent neighbors.
- 33* Staff has received follow-up letters from one of the neighbors with a number of concerns and issues outlined in detail. This letter followed the applicant forwarding a copy of the revised narrative to the adjacent neighbors. The concerned neighbor expressed concern over the increase in intensity with the request. The initial application proposed a maximum of twenty-people (25) on-site; however the revised proposal now includes a maximum of a hundred and five people (105) attending the organized events. The primary concerns relate to the following issues:
- Increased traffic, noise, light pollution and environmental concerns
 - Definitions of participants and events
 - Number of animals participating in any given event and how they will be transported and housed
 - Utilization of firearms
 - Provision for food and alcohol consumption of participants
 - Trash pick up

Discussion and Evaluation:

34. This request is for a 30-year Special Use Permit (SUP) for a horse riding and boarding facility in the Rural-190 zoning district. The approx. 9.1 ac. site is located on the southwest corner of Rio Verde Dr. and 150th St. in the Rio Verde area. The site is buffered by the underlying parent parcel on the south and west and Rio Verde Dr. and 150th St. form the site's north and east boundaries. The site contains existing landscaping along the arterials and, if approved, staff would recommend a stipulation requiring maintenance of this landscaping for the life of the SUP.
35. The site is surrounded by sparse development which can be characterized as large lot residential with primarily rural/equestrian uses and large estate homes. The area is zoned Rural with lots varying in size from a minimum of one acre and upwards. There are several agricultural exemptions in the vicinity of the site, one located immediately east of the subject site and another located west of 148th St. which borders the west boundary of the parent parcel. There are several other agricultural exemptions located in the relative vicinity of the subject site. Also, there are two (2) riding and boarding facilities located in proximity to the site. One facility is located 1.25 miles northeast of the site and the other is located two miles north of the site. Therefore, the proposed use can be considered compatible with the surrounding equestrian and rural land-uses. The Rio Verde Area plan encourages equestrian related uses and promotes the location of SUP's along Rio Verde Dr. and the request conforms to these standards. The following map indicates those SUP's within the immediate vicinity of the subject site.

[Map on following page.]



36. MCZO requires that for public riding and boarding stables, buildings housing animals be setback from all property lines at distance of not less than 100'. The proposed SUP meets this requirement, as both barns and the twenty (20) pen mare motel are located a minimum of 150.9' from the property line.
- 37.* The applicant has requested a 30-year SUP. However, staff typically recommends a period of ten (10) to fifteen (15) years for SUP's of this particular nature. Both E&C Harrison's and Casa de los Caballos as shown above were approved for ten (10) years with annual status reports or after two (2) years. Four Peaks Ranch was approved for fifteen (15) years with a status report due at one (1) year and every five (5) years thereafter. Therefore as the request is most similar to Four

Peaks Ranch and if approved, staff would recommend a fifteen (15) year time frame with a status report at one (1) and every five (5) years thereafter from the date of approval by the BOS.

- 38.* The proposed SUP provides for a twenty (20) pen mare motel and two (2) identical twenty (26) stall barns. Based on the space allocated from these three (3) structures, staff calculates the maximum number of horses which could be boarded on site to equal seventy-two (72). However, the applicant's narrative report indicates that a maximum of a hundred (100) horses will be boarded within the riding and boarding facility. This causes some concern, when considering that the space provided can accommodate only seventy-two (72) horses and the applicant is projecting the housing of an additional twenty-eight (28) extra horses on-site. In the past, staff has stipulated to the maximum number of horses which equals the number of stalls provided. Therefore, staff has added a stipulation which would require that not more than seventy two (72) horses can be boarded within the SUP area at any one time.
- 39.* The case was continued at the September 7, 2006 Commission hearing to the October 5, 2006 hearing. Staff has received a revised site plan, narrative report, and updated Citizen Participation Plan on September 14, 2006. This revision indicates that a transient public water system will be applied for and that the process takes between six to nine months. However, MCESD has not had the opportunity to review the resubmittal, as of the writing of this staff report. Additionally, the applicant indicates that the earliest events could be planned for the facility would be either late January, 2007 or early February, 2007. This is due to the time frame for processing of this entitlement, which would mean that the case would be heard by the Board of Supervisors, on November 1, 2006; if the Commission recommends approval. The applicant is also proposing a one-year review by MCESD to verify the status of the PWS certification. The applicant has suggested that if proof of the certification is in place, then the review may not be required; however, staff is not comfortable with this scenario and has added a stipulation which requires that the PWS system is in place within a year.
- 40.* The revised narrative report addresses the number of events that are to be held on site, which is to be limited to twenty four (24) within a year. The narrative also discusses that the number of people utilizing the facility on a regular basis are to be limited to twenty-five (25) people and the number of people at organized events are to be limited to a hundred and five (105) people. The proposed events will include riding events and clinics. The site plan also reflects the location of lighting. The revised site plan also indicates the number of parking spaces has been increased from twenty-eight spaces (28) to forty two (42) total spaces. This includes eleven (11) spaces for trailer parking, four (4) parallel parking spaces and twenty-seven (27) additional parking spaces, two (2) of which are ADA accessible. The parking calculation has been based on a ratio of one (1) car holds 2.5 people. The applicant indicates that a hundred and five (105) people will be attending these events; therefore a minimum of forty-two (42) spaces are required to meet this ratio. Additionally, this scenario assumes that that all of the spaces including the

horse trailer spaces and handicapped parking are being used by attendees for the events. Also, the number of spaces do not account for the owners, vendors that may attend the events or the staff which are projected to be fifteen (15).

- 41.* The revised site plan and narrative have addressed the number and type of events, proposed PWS system, lighting issues and the number/ type of parking spaces. However, sight visibility triangles have not been included with this revision, which will be stipulated to. Additionally, the updated Citizen Participation Plan indicates that the neighbors have requested a follow-up meeting once they have received the revised submittal, in order to give the community an opportunity to negotiate stipulations. Staff received follow-up letters from one of the neighbors which detailed the concerns that the adjacent neighbors had with the request. These issues relate to increase noise, traffic, light pollution and environmental concerns. Specifically, the neighbors would like stipulations which address hours of operation, the number of animals participating in an event, use of firearms onsite, provisions of food and alcohol consumption and trash pickup. Staff has attempted to address a majority of these issues through stipulations based upon known concerns and analysis of surrounding approvals. As a means of comparison to the subject request; Four Peaks Ranch, is located approx. 1.5 miles east of the subject site, and involved a request for an equestrian center which included a boarding, training and roping facility with special events on-site. The BOS approved this request subject to a number of restrictive stipulations which limited the type of events, hours of operation for the events, number of events in the year, definition of participants, attendees, and spectators and their respective number both at events and on a regular basis, parking, collection and maintenance of animal waste and odors, collection of trash, and sound levels. However, staff is not recommending approval at this time, since it is evident that the neighbors have additional concerns and MCESD has not signed off on this request as of the writing of this report. Therefore, staff is recommending a continuance to the November 2, 2006 Commission hearing so that these issues can be addressed.

Recommendation:

- 42.* Staff recommends **continuance** of **Z2006018** to the November 2, 2006 hearing for the following reasons:
- MCESD has not signed off on the proposal.
 - There remains outstanding public concern which needs to be addressed.

However, if the Commission should motion for approval, staff recommends the following stipulations:

- a. Development of the site shall comply with the site plan entitled "Special Use Permit American west Quarter Horses", consisting of one (1) sheet, stamped received September 14, 2006 except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS)

approval, the site plan shall be revised to show sight visibility triangles (SVT's) per MCZO.

- b. Development of the site shall be in conformance with the narrative report entitled "American West Quarter Horses Special Use Permit Narrative Report", consisting of five (5) pages, stamped received September 14, 2006, except as modified by the following stipulations.
- c. In no instance, shall there be on-street parking related to these events.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be adhered to:
 - Provide a total half-width of 30' right-of-way on 150th Street.
 - Recommend 24' of pavement on 150th Street for two-way traffic.
 - Recommend asphalt milling or gravel material for driveway and parking area.
- e. The following Flood Control District (FCD) stipulation shall be adhered to:
 - Should there be any further construction on the property, then a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
- f. All trees shall be double-staked when installed.
- g. This facility requires a Public Water System (PWS) approved by the Maricopa County Environmental Services Department (MCESD) and the ADEQ. This process will require obtaining a PWS number for the water source, and approval of the existing water plans via the Approval to Construct Process. The applicant shall submit an approved PWS certification to MCESD at the end of one (1) year from the date of approval by the Board of Supervisors. If a PWS system is not in place within this time frame, then staff will bring the case to the Commission for possible revocation of the Special Use Permit.
- h. There shall be no events on-site prior to approval of a Public Water System (PWS) system.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- j. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- k. The maximum number of commercially boarded horses kept on this site at any one time shall not exceed seventy-two (72). No more than a hundred (100) horses shall be on site during events.
- l. The total number of events are limited to twenty-four (24) per year with events limited to three (3) days per month during any particular month. Total number of attendees, including participants, workers, vendors, and spectators for events shall be limited to 100 persons at any given time.
- m. Total number of attendees, including participants, workers and spectators, on non-event days shall be limited to 24 persons at any given time. Amplified sound shall not be used on non-event days.
- n. The existing landscaping on the site shall be maintained in good order such that it provides adequate screening for the site and replaced as necessary until the Special Use Permit expires.
- o. The hours of operation for the riding and boarding facility shall be restricted to Sunday - Thursday (8:00 a.m. to 9:00 p.m.) and Friday – Saturday (8:00 a.m. – 10:30 p.m.)
- p. Events shall consist of equestrian activities only. At no time during these activities shall be firearms discharged. All events shall begin no earlier than 9:00 a.m. and shall be completed with lights and amplified sound turned off by 6:00 p.m. for events during the months of September through May. All events shall begin no earlier than 8:00 a.m. and shall be completed with lights and amplified sound turned off by 10:00 p.m. for events during the months of June, July and August.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. All on-site drives and parking spaces shall meet PM-10 requirements for dust control as acceptable to the Air Quality Division of the Maricopa County Environmental Services Department (MCESD).
- s. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- t. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a

'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- u. All barns or buildings housing animals shall be equipped with fly deterrent systems to minimize fly populations.
- v. In no instance shall manure be placed, rolled or kept in the arenas. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site three (3) times per week and disposed of in a proper manner acceptable to the Maricopa County Environmental Services Department. Strict adherence to Chapter XI of the Maricopa County Environmental Health Code shall be required.
- w. Applicant shall provide adequate trash receptacles during events and shall clean up subject property and adjacent easements within 24 hours of the end of each event.
- x. No alcoholic beverages may be sold or served on subject property during events.
- y. Sound levels outside of subject property shall not exceed 70 decibels averaged over any twenty-second period as measured at any point along the boundary of the subject property.
- z. There shall be no overnight camping on or adjacent to the subject property.
- aa. Applicant shall provide adequate portable toilets on event days.
- bb. This Special Use Permit shall expire fifteen (15) years from the date of approval of the Special Use Permit by the Board of Supervisors. Any request for extension must be submitted at least six months prior to the expiration date. At least 90 days prior to any renewal deadline, applicant shall post and maintain signs (similar to Maricopa County zoning signs) on the west side of subject property, facing west, and on the south side of subject property, facing south, which shall include the renewal deadline and information how neighbors' comments may be submitted to the County to be considered in the Special Use Permit Renewal process.
- cc. A Status Report shall be submitted within one (1) year from the date of approval of the Special Use Permit by the Board of Supervisors and every five (5) years thereafter in order to monitor the use and the adequacy of the stipulations.

- dd. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- ee. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- ff. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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Attachments: Case map (1 page)
Vicinity map (1 page)
Site plan (reduced 8 ½" x 11", 1 page)
Narrative report (6 pages)
MCDOT comments (memo, 1 page)
MCESD comments (memo, 1 page)
Drainage Review comments (memo, 1 page)
FCD comments (memo, 1 page)
*Letters of Concern (26 pages)

Enclosure: Site plan (11" x 17" reduction, 1 page)

[Full size copies of the site plan available upon request.]